



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

March 27, 1996

REPLY TO THE ATTENTION OF: C-29A

Harvey Redhill  
Bureau of Indian Affairs  
Titles and Records Department  
115 Fourth Avenue, S.E.  
Aberdeen, SD 57401

Re: Boundaries of Bois Forte and Fond du Lac Reservations

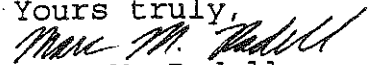
Dear Mr. Redhill:

As we discussed on the telephone, I am seeking your help regarding certain reservation boundary issues raised by the State of Minnesota in comments it filed to applications by the Bois Forte and Fond du Lac Bands for water quality standards programs.

1. Bois Forte. The Executive Order of June 30, 1883 (enclosed), sets apart township 62 north, range 25 west of the fourth principal meridian for the Deer Creek Reserve. The Order provides, however, "That any tract or tracts embraced within said township to which valid rights have attached under the laws of the United States governing the disposition of the public lands, are hereby excluded from the reservation hereby made." Are you aware of any lands excluded from the Deer Creek Reserve by effect of this provision? If so, please provide any maps and legal descriptions that identify the lands.

2. Fond du Lac. In its application, the Band provided EPA with a legal description of lakes, streams and rivers within the Reservation boundaries, entitled "Enclosure 2 Identification of Fond du Lac Surface Waters Lakes and Streams". Minnesota questioned some of these descriptions in comments entitled "Attachment B to MPCA's Comments on the Fond du Lac Band's Application for Treatment as a State under the CWA, Sections 303 & 401". Please review the MPCA comments that I have underlined and starred and provide me with your opinion whether the description provided by the Band should be modified to reflect Minnesota's comments.

If you have any questions or comments in this matter, please call me at 312/886-7948. I would appreciate a reply by April 12, if possible. Thank you.

Yours truly,  
  
Marc M. Radell  
Associate Regional Counsel

Enclosures



west, and in part 39 north, of ranges 9 and 10 west, township 32<sup>nd</sup> north, of range 10 west.

Townships 29, 30, 31, and 32 north, of range 11 west.

Townships 29, 30, and 31 north, of range 12 west.

Township 29 north, of range 13 west.

East half of township 29 north, of range 9 west.

Sections 25 and 36 in township 30 north, of range 7 east, and section 22 in township 30 north, of range 8 east.

Very respectfully, etc.,

CHAS. E. MIX,  
*Acting Commissioner.*

Hon. R. McCLELLAND,  
*Secretary of the Interior.*

AUGUST 9, 1855.

Let the lands referred to in letter of the Acting Commissioner of Indian Affairs of the 4th instant, with the exceptions noted in letter of the Acting Commissioner of the General Land Office of the 8th instant, be temporarily withdrawn from sale, for the purposes indicated in above letter from Indian Office, and as recommended by Secretary of the Interior in letter of 8th instant.

FRANKLIN PIERCE.

(See last clause of article 1, treaty of July 31, 1855, Vol. 2, p. 545.

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#### MINNESOTA.

##### *Bois Fort Reserve.*

[In La Pointe Agency; occupied by Bois Fort Band of Chippewa; established by treaty of April 7, 1866, and act of January 14, 1889, 25 Stat., 642.]

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##### *Deer Creek Reserve.*

[In La Pointe Agency; occupied by Bois Fort Band of Chippewa; established by act of January 14, 1889 (25 Stat., 642).]

EXECUTIVE MANSION, June 30, 1883.

Agreeably to the provision contained in the closing sentence of the first clause of article 3 of the treaty of April 7, 1866, with the Bois Fort band of Chippewa Indians (14 Stat. at L., p. 765), it is hereby ordered that a township of land in the State of Minnesota, to wit, township 62 north, range 25 west of the fourth principal meridian, be, and the same is hereby, set apart for the perpetual use and occupancy of said Indians: *Provided, however,* That any tract or tracts embraced within said township to which valid rights have attached under the laws of the United States governing the disposition of the public lands, are hereby excluded from the reservation hereby made.

CHESTER A. ARTHUR.

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\*Although this township (32 north, range 10 west) is referred to in the Commissioner's letter as already withdrawn from sale, it is believed to be a mistake in transcribing the dispatch through the telegraph offices, informing him what tracts have been so withdrawn. It should therefore be included in the list of those to be withdrawn.



**ATTACHMENT B  
TO  
MPCA'S COMMENTS ON  
THE FOND DU LAC BAND'S APPLICATION  
FOR TREATMENT AS A STATE  
UNDER THE CWA, SECTIONS 303 & 401**

This document summarizes Minnesota Pollution Control Agency's (MPCA) comments on the Fond du Lac Band's Enclosure 2, Identification of Fond du Lac Surface Waters - Lakes and Streams. MPCA expressly requests that the Environmental Protection Agency (EPA) and the Band confer with MPCA Water Quality Division staff regarding the Band's identified surface waters and these comments prior to any final EPA decision on the Band's application. The purpose of such a conference would be to evaluate and clarify the Band's legal descriptions for the waters cited in Enclosure 2 to ensure complete accuracy. As noted in MPCA's cover letter, MPCA is seeking additional information regarding the exact legal boundary on the northern and eastern edge of the Reservation. If any additional information further clarifies the exact legal boundary location, the information will be forwarded to EPA for consideration.

The following sources were used by MPCA to evaluate the Band's Enclosure 2: (1) base maps from the U.S. Bureau of Indian Affairs; (2) Minnesota Department of Natural Resources (MDNR) Protected Waters and Wetland inventories and maps for Carlton and St. Louis counties; (3) U.S. Geological Survey quadrangle topographic maps; and (4) MDNR Public Recreation Information Map for the Duluth area.

**LAKES**

<u>Lake Name</u> <u>(MDNR Lake ID#)</u>	<u>Legal Description</u> <u>(Twn/Rge/Sct)</u>	<u>Comments</u>
First Lake (9-85)	49N/17W/21	It appears that First Lake is split by Carlton County Road 114, and that the majority of the "lake" area is within section 22, T49N, R17W. <u>Section 22 should be added to the legal description of this "lake."</u> It should also be noted that the MDNR Protected Waters and Wetlands inventory designates this waterbody as a wetland. ★
Jaskari Lake (9-50)	48N/19W/1,2	<u>T49N, R19W, S36 should be added to the legal description of this lake.</u> ★
<del>Martin Lake (69-768)</del>	<del>50N/19W/12</del>	<del>MDNR lists this waterbody as a wetland.</del>

Lake Name (MDNR Lake ID#)	Legal Description (Twn/Rge/Sct)	Comments
Mud Lake (9-53) Also known as Miller Lake	49N/19W/13,14	It appears that the lake is also in T49N, R19W, S23. <u>Section 23 should be added to the legal description for this lake.</u>
<del>Pat Martin Lake (9-12)</del>	<del>50N/19W/12 (incorrect)</del>	<del>Note: The stated legal description for this lake is not correct per telephone conversation with Joel Peterson, Fond du Lac Reservation staff, August 21, 1995, and by letter from Mr. Peterson dated August 23, 1995. The legal description for this lake should be T49N, R17W, S6. This lake is listed by the MDNR as an Unnamed Lake. Pat Martin Lake in 49N/17W/6 is entirely within the Reservation boundary.</del>
<del>Perch Lake (9-36)</del>	<del>48N/18W/6,29,30,31 48N/19W/1 49N/18W/6 49N/19W/36 (incorrect)</del>	<del>The legal description for this lake should read as follows: 48N/18W/6 48N/19W/1 49N/18W/29,30,31 49N/19W/36 The above legal description for Perch Lake is consistent with the legal description for this lake in Mr. Peterson's August 23, 1995 letter.</del>
<del>Side Lake (69-699)</del>	<del>50N/18W/32</del>	<del>This waterbody is listed as a wetland by MDNR.</del>
Spring Lake (9-47)	48N/19W/1	<u>The entire lake within S1, T48N, R19W is within the Reservation boundary. Spring Lake also lies outside of the Reservation boundary; the lake area outside the Reservation boundary is in S12, T48N, R19W.</u>
<del>Third Lake Lake (9-13)</del>	<del>49N/17W/21</del>	<del>This waterbody is listed as a wetland by MDNR.</del>
<del>Second Lake (9-84)</del>	<del>49N/17W/21</del>	<del>This waterbody is listed as a wetland by MDNR.</del>

## STREAMS AND RIVERS

<u>Watercourse Name</u>	<u>Legal Description (Twn/Rge/Sct)</u>	<u>Comments</u>
Annamhasung Creek	48N/19W/2 49N/19W/26,27,34,35	The Reservation boundary transects Annamhasung Creek in section 34. <u>The portion of the creek in the east 1/2 of section 34 is within the Reservation boundary. The portion of this creek in west 1/2 of section 34 is outside the Reservation boundary. A more accurate legal description is as follows:</u>

48N/19W/2  
49N/19W/26,27,E1/2 34,35

With the exception of section 34 as discussed above, Annamhasung Creek in the stated sections is within the Reservation boundary. ~~Note: The MDNR Protected Waters and Wetlands map for Carlton County identifies Annamhasung Creek as a public ditch beginning at the east 1/2 section line of T49N, R19W, S34 and ending at Rice Portage Lake.~~

Martin Branch (Also known as Joe Martin Branch; or Joe Martin Creek.)	50N/18W/4,5,7,8 50N/19W/12	Entire length of Joe Martin Branch is identified by MDNR as a protected water from Martin Lake to Stoney Brook. Note: <u>The legal description should be modified by adding section 3 to the line 50N/18W/4,5,7,8.</u>
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Otter Creek	48N/17W/3 49N/17W/19,20,28,29 30,32,33 49N/18W/25,26	The Reservation boundary transects Otter Creek in T48N, R17W, S3 and in T49N, R17W, S34. <u>Section 34 should be added to the legal description and this description should be modified as follows:</u>
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48N/17W/W1/2 3  
49N/17W/19,20,28,29,30,32,33,  
W1/2 34  
49N/18W/25,26

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<u>Watercourse Name</u>	<u>Legal Description (Twn/Rge/Sct)</u>	<u>Comments</u>
		<p>Otter Creek in the above stated sections is within the Reservation boundary.</p> <p>Otter Creek in the above stated sections is identified by the MDNR as a protected water.</p>
Simian Creek	49N/17W/6 49N/18W/1,2,10 50N/17W/29,30,31,32 50N/18W/25,36	<p><u>The legal description for Simian Creek within the Reservation boundary should read as follows:</u></p> <p> <u>49N/18W/1,2,3,10</u>  <u>50N/17W/20,21,22,29,30,31,32</u>  <u>50N/18W/36</u> </p> <p>Simian Creek within the above listed sections is identified by the MDNR as a protected water.</p> <p>49N/17W/6 describes a tributary to Simian Creek.</p> <p>50N/17W/30,31 &amp; 50N/18W/25 describes another tributary to Simian Creek. Both of these tributaries are within the Reservation boundary. The second tributary is identified by the MDNR as a protected water in S30,31,T50N, R17W.</p>
Squaw Creek	49N/17W/9,16,18,20, 21	<p><u>Section 4 should be added to the legal description.</u> All of Squaw Creek is identified by the MDNR as a protected water.</p>
Stoney Brook (Also known as Stoney Brook River)	49N/18W/6,17,18,19, 30 49N/19W/25 50N/18W/3,4,9,16, 28, 31,32,33 50N/19W/14,23,25 51N/18W/34	<p><u>The legal description of Stoney Brook within the Reservation boundary should be as follows:</u></p> <p> <u>49N/18W/6,7,17,18,19,30</u>  <u>49N/19W/12,25</u>  <u>50N/18W/3,4,9,16,21,28,31,32,33</u>  <u>51N/18W/34,35</u> </p>

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~~The MDNR identifies Stoney Brook River as a protected water beginning in T50N, R18W, S16 and ending at its confluence with the St. Louis River in T51N, R18W, S35. Other segments of Stoney Brook River are identified on Carlton & St. Louis County Protected Waters and Wetland maps as public ditches.~~

~~50N/19W/14,23,25 describes a tributary to Stoney Brook. This tributary is identified by the MDNR as a protected water in T50N, R19W, S23,24, and portions of 25.~~

St. Louis River

49N/17W/3,4

The stated legal description for Township 49N should be corrected to read as follows: \*

50N/17W/7,15,16,17,

18,22,26,27,33,34

49N/17W/3,4,W1/2 10

50N/18W/1,2,12

51N/18W/27,28,29,30,

34,35,36

The stated legal description for Township 51N, Range 19W should be corrected to read as follows: \*

51N/19W/25,26,27,28,  
29,30

51N/19W/25,26,E1/2 27

Sections 28,29,30, T51N, R19W are not within the Reservation boundary and should be deleted from the legal description. \*

The St. Louis River in the cited sections is identified by the MDNR as a protected water.



## ENCLOSURE 2

### IDENTIFICATION OF FOND DU LAC SURFACE WATERS

#### LAKES AND STREAMS

LAKE	FISH SPECIES	ACREAGE	DEPTH	WILD RICE	TWN/RGE/SCT
Bang	northern pike black bullhead yellow perch white sucker	53	9 ft.	yes	48N/19W/1, 2
Big Lake	northern pike walleye largemouth bass pumpkinseed green sunfish blue gill black crappie yellow perch white sucker blk & brn bullhead muskie	566	25ft.	no	49N/18W/20, 21, 28, 33
Cedar	yellow perch blk/brn bullhead	59	6ft.	yes	49N/18W/10, 15
Dead Fish	bullheads northern pike (winter kills)	101	3 ft.	yes	49N/19W/1, 12
East Twin	unknown	120	N/A	no	50N/18W/23, 24, 25, 26
First Lake	none	24	6ft.	no	49N/17W/21
Hardwood	northern pike (winter kills)	100	6ft.	yes	49N/18W/5, 6
Jaskari	northern pike yellow perch blk & brn bullhead (winter kills)	79	6 ft.	yes	48N/19W/1, 2
Lac	northern pike yellow perch white sucker	7.9	25 ft.	no	49N /19W/12, 13

Lost	northern pike bluegill walleye large mouth bass yellow perch white sucker	142	9 ft.	no	50N/18W/29, 30
Martin	northern pike bass rainbow trout brook trout brown trout	71	77ft.	no	50N/19W/12
Mud	northern pike black bullhead sunfish	151	5 ft.	yes	49N/19W/13, 14,
Pat Martin	black crappie pumpkinseed (sf) yellow perch large mouth bass brown bullhead	36.8	13.5 ft.	no	50N/19W/12
Perch	northern pike yellow perch bullhead large mouth bass	657	25 ft.	yes	48N/18W/6, 29, 30, 31 48N/19W/1 49N/18W/6 49N/19W/36
Rice Portage	bullhead northern pike (winter kills)	113	4 ft.	yes	49N/19W/25, 26
Side	unknown	20	unknown		50N/18W/32
Simian	northern pike black bullhead	76	15 ft.	no	50N/17W/29
Sofie	northern pike blue gill black crappie yellow perch brown bullhead	3S	13	no	49N/18W/29, 32
Spring	northern pike yellow perch brown bullhead white sucker	33	4 ft.	no	48N/19W/1
Spruce	northern pike yellow perch	11	17ft.	no	49N/19W/27
Third Lake	black crappie bullhead	16	19 ft.	no	49N/17W/21

West Twin	northern pike pumpkin seed (sf) black crappie walleyes black bullhead yellow perch	121	18 ft.	no	50N/18W/23, 26
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Wild Rice	northern pike (winter kills)	53.6	4 ft.	yes	48N/18W/3
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Second Lake (not previously listed)					49N 17W 21
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### STREAMS AND RIVERS

Annamhasung Creek					48N/19W/2 49N/19W/26, 27, 34, 35
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Martin Branch					50N/18W/4, 5, 7, 8 50N/19W/12
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Otter Creek					48N/17W/3  49N/17W/19, 20, 28, 29, 30, 32, 33 49N/18W/25, 26
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Simian Creek					49N/17W/6 49N/18W/1, 2, 10 50N/17W/29, 30, 31, 32 50N/18W/25, 36
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Spring Creek					50N/18W/4, 5
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Squaw Creek					49N/17W/9, 16, 18, 20, 21
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Stoney Brook					49N/18W/6, 17, 18, 19, 30 49N/19W/25 50N/18W/3, 4, 9, 16, 28, 31, 32, 33 50N/19W/14, 23, 25 51N/18W/34
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St. Louis River					49N/17W/3, 4 50N/17W/7, 15, 16, 17, 18, 22, 26, 27, 33, 34 50N/18W/1, 2, 12 51N/18W/27, 28, 29, 30, 34, 35, 36 51N/19W/25, 26, 27, 28, 29, 30
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